REMARKS

The present invention is generally directed to devices and methods for selecting a satellite audio radio channel by receiving one or more digital satellite audio radio channels using a mobile receiver.

Applicant thanks Examiner Bates for participating in the Examiner Interview on August 11, 2005, during which claims 41 and 77 were discussed. In light of the interview, applicant responds to the outstanding Final Office Action below.

Claim Rejections Under 35 U.S.C. § 103 Should Be Withdrawn

Claims 41-43, 45, 47, 48, 50-53, 55-56, 58, 61-64, 71-77 stand rejected under 35 U.S.C. § 103 as unpatentable over Robbins, U.S. Patent No. 6,317,882, in view of Wugofski, U.S. Patent No. 6,507,951, for the reasons set forth on page 2 through 9 of the Final Office Action. Claims 46 and 57 stand rejected under 35 U.S.C. § 103 as unpatentable over Robbins in view of Wugofski in further view of Barton, U.S. Patent No. 6,233,389. Claims 49, 59, 79, and 80 stand rejected under 35 U.S.C. § 103 as unpatentable over Robbins in view of Wugofski in further view of Wall, U.S. Patent No. 6,055,244. Claims 78 and 81 stand rejected under 35 U.S.C. § 103 as unpatentable over Robbins in view of Wugofski in further view of Owens, U.S. Patent No. 6,067,272. Although applicant (1) continues to assert that Robbins suggest, much less disclose, either alone or in combination, the feature of "satellite audio radio," and (2) continues to assert that the claims as previously presented were patentable over the non-final rejections, for the sake of advancing prosecution applicant has amended independent claims 41, 43, 52, 61, 74, 75 and 76 to recite the feature of a "mobile receiver." Applicant reserves the right to pursue the previously presented claims and other claims in follow-on continuation applications.

Here, the claimed feature of a

"mobile receiver"

is neither disclosed nor suggested by Robbins or Wugofski, either alone or in combination.

As discussed during the Examiner Interview of August 11, 2005, the direct broadcast satellite or DBS (hereafter "DBS") disclosed in Wugofski and the satellite TV

disclosed in Robbins (it is important to note that applicant asserts that the satellite TV of Robbins is also a DBS system) are both fixed satellite systems - known in the art as "FSS". Further, one of skill in the art understands that a fixed satellite system refers to the nature of the receiver used to receive the satellite signals. In a fixed satellite system, and with particular reference to the DBS systems described in Robbins and Wugofski, at least the satellite signal receiving dish is fixed in a particular position and must continuously point in a specific direction (i.e., at a particular direct broadcast satellite) in order to receive a narrow beam width DBS signal. As a result, multiple DBS satellites can use the same frequencies without causing interference with each other, thereby effectively multiplying the bandwidth available to DBS satellites. However the narrow beam widths of the DBS signals from the satellites lead to an appreciable and/or immediate loss of signal if the satellite signal receiving dish is moved out of alignment with a satellite, even if the movement is but a few degrees. Therefore the systems are not mobile because the receiving dish must be continuously and precisely aimed at a particular direct broadcast satellite in order to receive a robust signal.

Contrast the preceding with the presently claimed invention which is directed to a mobile satellite system (MSS). Specifically, independent claims 41, 43, 52, 61, 74, 75 and 76 recite the limitation of a "mobile receiver." This claimed feature distinguishes the presently claimed invention from both Robbins and Wugofski and combinations thereof because unlike those satellite systems which require fixed, (i.e., immobile) components to receive a robust signal, the presently claimed invention is mobile.

The mobility of the presently claimed invention is due to the broad beam widths of satellite audio radio signals, which advantageously permits a receiver to collect a sufficient signal from a satellite without the need for precise and/or continuous aiming of a component of a satellite audio radio receiver at a satellite audio radio broadcasting satellite. The broad beam width of a satellite audio radio signal also enables the reception of signals from multiple satellites and/or terrestrial repeaters of the satellite audio radio signal, as recited in claim 77. This helps prevent unwanted occasional signal dropouts (e.g, in cities with tall buildings, trees, etc.). Furthermore, the mobility of the presently claimed invention can advantageously permit the receiver to continue to operate even

when no satellite signal is available from an orbiting satellite (e.g., when the receiver is in a tunnel), by receiving a satellite audio radio signal from a terrestrial repeater. Such advantages are in stark contrast to the fixed satellite systems of Robbins and Wugofski.

The "mobile receiver" of the presently claimed invention has other advantages over the fixed satellite systems of Robbins and Wugofski in that the claimed invention can be moved about without appreciable or immediate loss of signal from the digital audio radio broadcasting satellite. As a non-limiting example, a receiver (which typically is or includes an antenna as part of the receiver) can be positioned (a) in and/or on a car turning a corner, or (b) on a person, without a user experiencing an appreciable or immediate loss of satellite audio radio signal due to movement of the receiver.

Of course, a mobile receiver of the present invention can also technically be "fixed" in a particular position, e.g., in a parked car or house, but fixing the position of such a receiver does not change the fundamental fact that such a receiver is still a "mobile receiver." In other words, "mobile" as used herein means "moving or capable of moving." The mobility of the present invention is due to the fact that precise and/or continuous aiming of the receiver at a particular satellite is unnecessary.

It is because the disclosures of Robbins and Wugoski are limited to DBS systems (i.e., fixed satellite systems), applicant submits that neither Robbins nor Wugofksi, either alone or in combination, disclose the present invention. Additionally, applicant submits that the disclosures of fixed satellite systems actually teach away from the claimed feature of a "mobile receiver" for receiving satellite audio radio broadcasts.

Accordingly, because (1) neither Robbins nor Wugofski disclose the claimed invention which generally includes a mobile receiver for selecting a satellite audio radio channel, but rather disclose only fixed satellite systems, and (2) given the advantages that the claimed invention has over the fixed satellite systems of Robbins and Wugofski, the presently claimed invention is patentable over the cited references.

Therefore, in view of the amendments to independent claims 41, 43, 52, 61, 74, 75 and 76, applicant asserts that the claims are in a condition for allowance. Further, because claim 42 depends upon allowable claim 41, claims 45, 46, 47, 48, 49, 50, and 51 depend upon allowable claim 43, claims 53, 55, 56, 57, 58, 59, and 60 depend upon allowable claim 52, claims 62, 63 and 64 depend upon allowable claim 61, and

claims 77, 78, 79, 80, and 81 depend upon allowable claim 76, these dependent claims are also allowable by virtue of the claims dependency upon allowable base claims. Allowable dependent claim 77 was also amended to remove the term "simultaneous" for clarity.

Conclusion

Applicant respectfully submits that all claim rejections have been overcome and that all pending claims are now in condition for allowance, early notice of which is earnestly solicited.

Respectfully Submitted,

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